

Appl. N. 09/910,638

REMARKS

Claims 54, 55, 56, 58 and 59 are pending in the present application. In the Office Action dated August 21, 2003, the Examiner rejected claims 54, 55, 56 and 58 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,769,699 to Yu ("Yu"). The Examiner further rejected claim 59 as unpatentable over Yu in view of U.S. Patent No. 6,296,557 to Walker ("Walker"). Applicant disagrees with these grounds of rejection and wishes to clarify various distinctions of Applicant's invention over the cited art. Reconsideration of the invention is therefore requested in light of the present amendment and following remarks.

Statement Regarding Common Ownership

As a preliminary matter, applicant respectfully submits that the present application and the Walker reference were commonly owned by Micron Technology, Inc. at the time the invention of the present application was made. Accordingly, under 35 U.S.C. § 103(c) the Walker reference is disqualified as a reference in any rejection under 35 U.S.C. § 103(a).

Claim 54 is amended to recite that at least one of a first part of the microelectronic substrate and a first portion of the planarizing medium is moved relative to the other at a first rate, and that at least one of a second part of the microelectronic substrate and the first portion of the planarizing medium is moved relative to the other at a second rate less than the first rate, and that the polishing medium is advanced from a supply roller to a take up roller to engage a second portion of the polishing medium with the first and second parts of the microelectronic substrate. Applicant notes that the Yu reference fails to disclose, or suggest in any motivated sense that the planarization medium may be moved from a supply roller to a take-up roller. If the undersigned has missed a relevant teaching in the Yu reference, the Examiner is respectfully requested to specifically point out where this teaching may be found.

Accordingly, claim 54 is now allowable. Claims depending from claim 54 are also allowable based upon the allowable form of the base claim and further in view of the additional limitations recited in the dependent claims.

Applicant notes that, to date, the 1449's from the six (6) Information Disclosure Statements filed on July 20, 2001, August 15, 2001, November 27, 2002, February 7, 2003,

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August 11, 2003 and September 29, 2003, have not been returned. The Office Action dated August 13, 2003 incorrectly indicated that "Information Disclosure Statement(s) (PTO-1449 Paper No(s). 3-6" were attached. Applicant respectfully requests that copies of these documents be provided.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

Postcard

Fee Transmittal Sheet (+ copy)

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